

ADOT JPA File No.: 05-004
AG Contract No.: KR05-0550TRN
Amendment No. 1
Project No.: TEA-YUM-0(008)A
Project: Main Street Mall
Section: Main Street 1st - Giss Parkway
TRACS No.: SL535 01C
Budget Source Item No.:

**AMENDMENT NO. 1
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF YUMA

THIS AGREEMENT is entered into this date June 16, 2006, **Amendment No. 1** to JPA No. 05-004, A.G. Contract No.: KR05-0550TRN, filed with the Secretary of State under No. 27705, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF YUMA, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

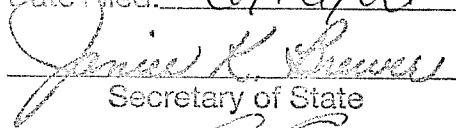
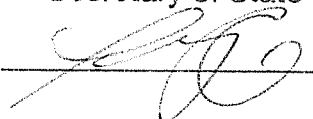
1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

THE PURPOSE OF THIS AMENDMENT is to clarify that Advanced Construction Funding in accordance with 23 U.S.C. 115 will be utilized for both TEA and SAFETEA LU HPP (High Priority Project Funds) and revise the funding information. HPP funds are estimated to be a total of \$960,000.00 allocated annually at 20% per year through fiscal year 2009. HPP funds are authorized at 80% and require a 20% local matching share. Estimated City's matching share is \$240,000.00 of the \$1,200,000.00 of project costs eligible to apply for the HPP funding. The estimated costs are as follows:

HPP Funds

Fiscal Year 2005	\$192,000.00
Fiscal Year 2006	\$192,000.00
Fiscal Year 2007	\$192,000.00
Fiscal Year 2008	\$192,000.00
Fiscal Year 2009	<u>\$192,000.00</u>
*Total HPP funds	\$960,000.00

NO. 27705
Filed with the Secretary of State
Date Filed: 6/16/06

Secretary of State
By: 

*(The amounts are subject to adjustment by FHWA for both apportionment and obligation authority so the resulting available amount may be less than the estimated \$960,000.00 total. The City is responsible for all costs in excess of available federal funds. The City takes full responsibility for all project costs until the time of conversion from Advanced Construction to Federal Aid Funds. If Federal funds are not available the City is responsible for the total cost of the project. Authorization of this project does not constitute a commitment, guarantee or obligation on the part of the State to provide payment. Reimbursement will be limited to the amount of Federal Funds available at the time of the request. The City shall not request reimbursement that exceeds available funding.)

Under Advanced Construction (AC) the State or Local entity receives Federal authorization and proceeds with a project under Federal guidelines utilizing State or Local funds. AC funds are converted to Federal funds as needed or as they become available allowing for future reimbursement of costs incurred.

Construction TRACS No.: SL535 01C

**Total Estimated Cost of the Project	<u>\$2.666 million</u>
Federal Aid Funds @ 94.3% of \$530,223.00 (Capped)	\$500,000.00
Estimated City Funds @ 5.7% of \$530,223.00	\$ 30,223.00
Estimated HPP funds @ 80.0%	\$960,000.00
Estimated City funds @ 20.0%	\$240,000.00
Additional City Funds @ 100% (total estimated cost less capped cost less HPP less City 5.7%)	<u>\$935,885.00</u>
Total Estimated City Funds	<u>\$1,206,108.00</u>

**(Includes construction engineering and construction administration, and incidentals)

THEREFORE, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

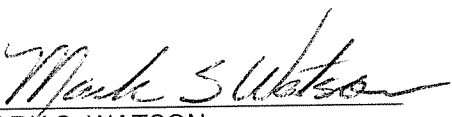
IN WITNESS WHEREOF, the parties have executed this Amended Agreement the day and year first above written.

CITY OF YUMA

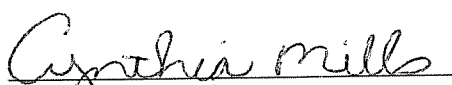
STATE OF ARIZONA

Department of Transportation

By


MARK S. WATSON
City Administrator

By


CYNTHIA MILLS
Joint Project Administrator

ATTEST:

By


BRIGITTA M. KUIPER
City Clerk

JPA 05-004

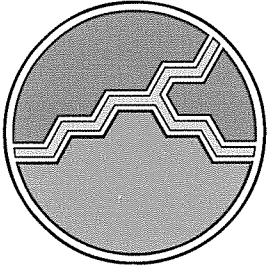
ATTORNEY APPROVAL FORM FOR THE CITY OF YUMA

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 26 day of May, 2006

Ronald Uribe (For)
City Attorney



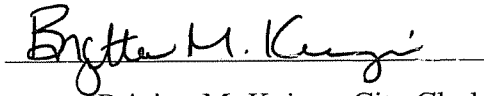
City of YUMA

**Office of the
City Clerk**

One City Plaza
P.O. Box 13012
Yuma, Arizona 85366-3012
(928) 373-5035
FAX (928) 373-5036
TTY (928) 373-5149

CERTIFICATION

I, Brigitta M. Kuiper, do hereby certify that I am the duly appointed City Clerk of the City of Yuma, Arizona, and that the attached resolution, Resolution R2006-46, is a true and correct copy of the ordinance on file in the Office of the City Clerk.


Brigitta M. Kuiper, City Clerk

5/31/06
Date

RESOLUTION NO. R2006-46

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AMENDING RESOLUTION NO. R2005-77, AUTHORIZING
AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
YUMA AND THE STATE OF ARIZONA, TO PROVIDE FEDERAL
FUNDING FOR MAIN STREET IMPROVEMENTS, FROM GISS
PARKWAY TO 1st STREET**

WHEREAS, the City of Yuma (City) desires to reconstruct Main Street, between Giss Parkway and 1st Street (Project); and,

WHEREAS, the State of Arizona (State) has agreed to provide federal grant funding for the Project through a transportation enhancement grant; and

WHEREAS, the City has adopted Resolution No. R2005-77, authorizing the execution of an Intergovernmental Agreement between the City and the State, to provide \$500,000 in federal grand funds for the Project; and

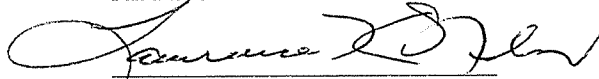
WHEREAS, additional potential federal grant funding in the amount of \$960,000 is now available to the Project; and

WHEREAS, the State and the City wish to enter into an amended Intergovernmental Agreement allocating these additional federal funds to the City, for Main Street reconstruction and improvements, between Giss Parkway and 1st Street, in accordance with the approved plans and specifications.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma, Arizona, that the City Administrator is authorized and directed to execute an Amendment to the Intergovernmental Agreement with the State of Arizona, as shown in Exhibit A, attached hereto and by this reference made a part hereof, to provide federal grant funding for said Project.

Passed and adopted this 17th day of May, 2006.

APPROVED:



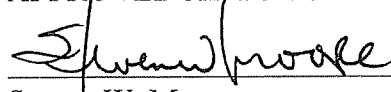
Lawrence K. Nelson
Mayor

ATTESTED:




Brigitta M. Kuiper
City Clerk

APPROVED AS TO FORM:



Steven W. Moore
City Attorney

<p>TERRY GODDARD Attorney General</p>	<p> OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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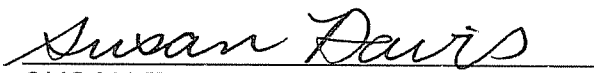
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR05-0550TRN (**JPA 05-004, Amendment No. 1**), an Agreement between public agencies, i.e., The State of Arizona and The City of Yuma, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: June 8, 2006

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:964174
Attachment